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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/072,877	02/12/2002	Douglas Allard	11533.0012CNUS06	3959

7590 11/16/2004

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EXAMINER

PECHHOLD, ALEXANDRA K

ART UNIT	PAPER NUMBER
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3671

DATE MAILED: 11/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/072,877

Applicant(s)

ALLARD, DOUGLAS

Examiner

Alexandra K Pechhold

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 October 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) _____ is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-6 and 23-27 is/are allowed.
- 6) ☒ Claim(s) 7-9, 11, 12, 15, 16, 18-22 and 28 is/are rejected.
- 7) ☒ Claim(s) 10, 13, 14, and 17 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

2. **Claims 7-9, 11, 12, 15, 16, 18-22, and 28 are rejected under 35 U.S.C. 102(a) as being anticipated by Morris et al (US 6,080,307).**

Regarding claim 7, Morris discloses a catch basin filtration system comprising:

- a filter body, seen as the combination of plate (110) and bracket (120), dimensioned to fit within an inlet and obstructing at least a portion of the inlet, the filter body comprising a porous material, since Morris states that the plate (110) is perforated (Col 2, lines 59-67), and
- one or more fluid displaceable adsorbent containers within the filter body, seen as canisters (140), which Morris states designed to permit a certain amount of expansion and allow canister (140) to be flexible along its length (Col 3, lines 64-67).

Regarding claim 8, Morris discloses one or more adsorbent pouches, seen as the combination of the canister (140) with bodies (142), which is removably connected to the interior of the filter body as seen in Fig. 1, since the canister with the bodies can be removed by the use of handle (144).

Regarding claim 9, removable adsorbent material is seen as bodies (142) of material that entraps and encapsulate oil (Col 3, lines 56-58).

Regarding claim 11, a high flow bypass route can be seen as an excessive high flow expelling water back up through the grate (106) and onto the roadway (104).

Regarding claim 12, an overflow opening at the center of the filtration system can be viewed as the opening where the flow initial enters, up by the grate (106) from the road (104), which spans the center of the filtration system as Fig. 1 shows.

Regarding claim 15, inherently more debris and sedimentation may be collected at the bottom of the filter body in Morris, and Morris states that the canister (140) is designed to permit a certain amount of expansion and allow canister (140) to be flexible along its length (Col 3, lines 64-67).

Regarding claim 16, Morris discloses such a method comprising:

- retaining the runoff in a catch basin filtration system, the system comprising a filter body, seen as the combination of plate (110) and bracket (120), dimensioned to fit within an inlet and forming a trough (therebelow through the use of rail (122)) obstructing at least a portion of the inlet, the filter body comprising a porous material, since Morris states that the plate (110) is perforated (Col 2, lines 59-67), and
- exposing the runoff to one or more fluid displaceable adsorbent containers within the filter body, seen as canisters (140), which Morris states are designed to permit a certain amount of expansion and allow canister (140) to be flexible along its length (Col 3, lines 64-67).

Regarding claim 18, excess runoff is bypassed into basket (130) which is removably attached to rail (122), and collects trash of sizes larger than the width of the slots (122) by smaller than the passing between the slats of grate (106) (Col 3, lines 24-34).

Regarding claim 19, Morris discloses one or more adsorbent pouches, seen as the combination of the canister (140) with bodies (142), which are removably connected to the interior of the filter body as seen in Fig. 1, since the canister with the bodies can be removed by the use of handle (144).

Regarding claim 20, inherently more debris and sedimentation may collected at the bottom of the filter body in Morris, and Morris states that the canister (140) is designed to permit a certain amount of expansion and allow canister (140) to be flexible along its length (Col 3, lines 64-67).

Regarding claim 21, the canister (140) attaches to the filter body, seen as bracket (120) and plate (110), as shown in Figure 1 where the canister (140) is suspended from the bracket (120).

Regarding claim 22, Morris discloses the attachment of the canister (140) to the horizontal surface of the bracket (120) through the use of one or more attaching means such as a loop, since Morris discloses the use of a metal ring or wedge shaped upper lip as possible connections (Col 4, lines 6-19).

Regarding claim 28, Morris discloses the limitations of the claimed invention as discussed in regards to claim 7 above. Furthermore, the canister (14) is adapted to become displaced as the filter body fills with fluid, since Morris states that the canister

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(14) is designed to permit a certain amount of expansion and allow canister (140) to be flexible along its length (Col 3, lines 64-67).

Allowable Subject Matter

3. Claims 1-6 and 23-27 are allowed.
4. Claims 10, 13, 14, and 17 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

5. Applicant's arguments filed 10/14/04, with respect to the rejection of claims 7, 16, and 28 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new grounds of rejection is made in view of the same reference of Morris (US 6,080,307), but with a different interpretation of the reference. Applicant argued in the 10/14/04 response that Morris does not disclose one or more adsorbent containers *within* said filter body. The Examiner was viewing the plate (110) solely as the filter body, and therefore the Examiner agrees that the canister (140) cannot be viewed as being *within* the plate (110). But, the Examiner is now rejecting the independent claims 7, 16, and 28 by viewing the combination of the plate (110) and bracket (120) as the filter body, since together they create a three dimensional containment body. By interpreting the plate

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(110) and bracket (120) of Morris as together forming the filter body as recited, the canister (140) meets the limitation of being within the filter body.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alexandra Pechhold whose telephone number is (703) 305-0870. The examiner can normally be reached on Mon-Thurs. from 8:00am to 5:30pm and alternating Fridays from 8:00am to 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas B. Will, can be reached on (703)308-3870. The fax phone number for this Group is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-1113.


Thomas B. Will
Supervisory Patent Examiner
Group 3600

AKP
11/12/04